

THE HONORABLE JOHN. H. CHUN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,  
STATE OF NEW YORK, STATE OF  
CONNECTICUT, COMMONWEALTH OF  
PENNSYLVANIA, STATE OF DELAWARE,  
STATE OF MAINE, STATE OF MARYLAND,  
COMMONWEALTH OF MASSACHUSETTS,  
STATE OF MICHIGAN, STATE OF  
MINNESOTA, STATE OF NEVADA, STATE  
OF NEW HAMPSHIRE, STATE OF NEW  
JERSEY, STATE OF NEW MEXICO, STATE  
OF OKLAHOMA, STATE OF OREGON,  
STATE OF RHODE ISLAND, and STATE OF  
WISCONSIN,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

Case No. 2:23-cv-01495-JHC

**DECLARATION OF CAROL JOAN  
PRUSKI IN SUPPORT OF  
DEFENDANT’S UNOPPOSED  
MOTION TO SEAL COMMERCIALY  
SENSITIVE INFORMATION  
CONTAINED IN THE COMPLAINT**

I, Carol Joan Pruski, declare as follows:

1. I am an attorney at the law firm Williams & Connolly LLP, counsel for Defendant Amazon.com, Inc. (“Amazon”). Unless otherwise noted, the matters set forth herein are true and correct to the best of my knowledge and, if called as a witness, I could testify competently thereto.

2. I submit this declaration in support of Amazon's Unopposed Motion to Seal Commercially Sensitive Information Contained in the Complaint ("Motion to Seal").

3. In its motion, Amazon moves to permanently seal portions of the Complaint, ECF No. 1, that Plaintiffs filed under temporary seal on September 26, 2023.

4. For the Court's convenience, I have attached to my declaration as Exhibit A a list of the paragraph numbers that include a proposed redaction, along with the reason—as described in the accompanying Motion to Seal—that the material should remain under seal. I have also attached to my declaration as Exhibit B—and will file under seal—a true and correct copy of the Complaint that contains highlighting (in yellow) to indicate the limited information Amazon moves to seal.<sup>1</sup>

5. The parties met and conferred on October 22 and on October 24 by videoconference in an attempt to reach agreement on Amazon's proposed redactions, to minimize the amount of material filed under seal, and to explore less-restrictive alternatives. The participants of the conferences on behalf of Amazon included myself and Kevin Hodges. The participants on behalf of the Plaintiffs included Daniel Schwartz, Danielle Quinn, Lily Rudy, Daniel Principato, and Tim Smith. After that conferral process, Plaintiffs confirmed they did not oppose Amazon's motion to seal a subset of the material Plaintiffs had conditionally sealed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 27, 2023 at Washington, D.C.

*Carol Joan Pruski*  
Carol Joan Pruski

<sup>1</sup> Portions of Exhibit B remain redacted (in black) because it is information that may be subject to a motion to seal by a third-party.

## **EXHIBIT A**

| Paragraph of Complaint | Category  | Reason for Sealing  |
|------------------------|---|---|
| ¶ 25                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime.               |
| ¶ 26                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime.               |
| ¶ 34 Fig. 2            | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's revenue.           |
| ¶ 35                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's revenue.           |
| ¶ 72                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's revenue.           |
| ¶ 73                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's revenue.           |
| ¶ 77                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's revenue.           |
| ¶ 79                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's profits.           |
| ¶ 91                   | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's profits.           |
| ¶ 102                  | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime.               |
| ¶ 106 & Fig. 11        | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime.               |
| ¶ 107                  | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime.               |
| ¶ 116                  | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding inputs to Amazon's revenue. |
| ¶ 157                  | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon's revenue.           |

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|-------|--|---|
| ¶ 172 | Confidential, competitively sensitive information  | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 173 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 174 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 221 | Highly sensitive, confidential business metrics    | Discloses non-public and proprietary data regarding Amazon Prime.                       |
| ¶ 222 | Highly sensitive, confidential business metrics    | Discloses non-public and proprietary data regarding Amazon Prime.                       |
| ¶ 232 | Highly sensitive, confidential information         | Discloses non-public and proprietary information regarding Amazon advertising studies.  |
| ¶ 235 | Highly sensitive, confidential information         | Discloses non-public and proprietary information regarding Amazon advertising studies.  |
| ¶ 239 | Highly sensitive, confidential business metrics    | Discloses non-public and proprietary data regarding Amazon's revenue and profits.       |
| ¶ 252 | Highly sensitive, confidential business metrics    | Discloses non-public and proprietary data regarding Amazon's revenue.                   |
| ¶ 266 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 267 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 278 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 280 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 295 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 302 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |
| ¶ 345 | Confidential, competitively sensitive information. | Discloses non-public and proprietary information regarding Amazon's internal processes. |

|       |   |   |
|-------|---|---|
| ¶ 358 | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime. |
| ¶ 363 | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime. |
| ¶ 407 | Highly sensitive, confidential business metrics | Discloses non-public and proprietary data regarding Amazon Prime. |

**EXHIBIT B**

**FILED UNDER SEAL**